

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**February 19, 2002**

DIVISION ONE

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Mallano, J. and S. Beaux,  
Deputy Clerk.

Each of the following:

B142237 People v. Martinez  
B143189 Allensworth v. City of Los Angeles  
B145357 People v. Allison  
B147028 People v. Ochoa  
B147246 People v. DeBruce  
B148261 People v. Gabor  
B148387 People v. Scruggs  
B148394 People v. Burwell  
B148510 People v. Velasquez  
B149290 People v. Frisby  
B149519 People v. Calhoun  
B149912 People v. Sanchez  
B149974 People v. Owens  
B150075 People v. Carl D.  
B150397 In re Sabrina C.; DCFS v. Rachel P.  
B150584 People v. Jeremiah W.

Argument waived, cause submitted.

DIVISION ONE (Continued)

B146998     Damaa  
              v.  
              Mercedes-Benz USA

Merits:

Argued by Stuart B. Esner for appellant and by David M. Rice for respondent. Cause submitted.

B149530     Schwartz  
              v.  
              Bloch

Merits:

Argued by William W. Bloch for appellant and by David Hoffman for respondent. Cause submitted.

B151562     Los Angeles County, D.C.F.S.  
              v.  
              Harvey C.

Merits:

Argued by Harry Zimmerman for appellant, by Lois Timnick for respondent and by Merrill L. Toole for minor. Cause submitted.

B146236     Young  
              v.  
              Gannon et al.

Merits:

Argued by Dennis F. Moss for appellant and by Sarah L. Cohen for respondents. Cause submitted.

Mallano, J. leaves the bench.

DIVISION ONE (Continued)

B145865      Presta  
                 v.  
                 Presta-Hoos

Merits:

Argued by Clarence P. Loffarelli for appellant and by Philip A. Wasserman for respondent. Cause submitted.

Mallano, J. returns to the bench.

B152548      Corrigan  
                 v.  
                 Superior Court, Los Angeles County  
                 (Toyota Motor Corp. et al., r.p.i.)

Merits:

Argued by Sharon J. Arkin for petitioner and by Leslie G. Landau for real party in interest Toyota Motor Corp. Cause submitted.

B153400      TBG Insurance Services Corp.  
                 v.  
                 Superior Court, Los Angeles County  
                 (Zieminski, r.p.i.)

Merits:

Argued by George R. Phillips, Jr. for real party in interest and by Eve M. Coddon for petitioner. Cause submitted.

Ortega, J. leaves the bench.

DIVISION ONE (Continued)

B146836     Birch et al.  
              v.  
              Wald

Merits:

Argued by Adam Burke for appellants. No appearance by respondent.  
Cause submitted.

Ortega, J. returns to the bench.

Mallano, J. leaves the bench.

B144474     Morrow, Scuria, Golenor & Salisbury  
              v.  
              American International Group, Inc., et al.

Merits:

Argued by Michael D. Stein for appellant and Rebecca Weinreich for  
respondents. Cause submitted.

Court recesses until 1:30 P.M.

Court reconvened at 1:30 P.M.

Present: Ortega, J., Vogel (Miriam A.), J., Mallano, J. and S. Beaux, Deputy Clerk.

B152383     Neu  
              v.  
              Superior Court, Los Angeles County  
              (Neu, r.p.i.)

Merits:

Argued by Lionel Hernholm, Jr. for petitioner and by Daniel J. Jaffe for  
real party in interest. Cause submitted.

DIVISION ONE (Continued)

B140812     Haase et al.  
              v.  
              Ellenberg Capital Corp.

Merits:

Argued by Maren E. Nelson for appellant Ivy, by Joel A. Goldman respondent Haase & Wagner, by Steven S. Fleischman for respondent MHC, by Robert S. Gerstein for respondent Karno and by Theodore W. Phillips respondent Park Realty. No appearance for respondent Leroy Allen. Cause submitted.

Court adjourned.

DIVISION TWO

B147966     People  
              v.  
              Kim

Filed order denying petition for rehearing.

B145469     People  
              v.  
              Lewis

Filed order denying petition for rehearing.

DIVISION FIVE

B147505      John Laraway                      (Certified for Publication)

v.

Sutro & Co. Incorporated et al.

The judgment of dismissal is reversed and the case remanded to the trial court. The trial court is directed to vacate its order of dismissal and enter a new and different order dismissing the False Claims Act causes of action only. The parties are to bear their own costs on appeal.

Grignon, Acting P.J.

We concur:    Armstrong, J.  
Mosk, J.

B146763      People                                      (Not for Publication)

v.

Charles Henry Bryant

The judgment is affirmed.

Mosk, J.

We concur:    Turner, P.J.  
Armstrong, J.

B149200      People                                      (Not for Publication)

v.

Maurice Lee McDaniel

The judgment is affirmed.

Mosk, J.

We concur:    Turner, P.J.  
Armstrong, J.

## February 19, 2002-Continued

## DIVISION FIVE (Continued)

B145297      People                                  (Not for Publication)  
v.  
**James R. White**

The judgment is affirmed.

Mosk, J.

We concur: Grignon, Acting P.J.  
Armstrong, J.

B140743 Beldoon Corporation  
B144629 v.  
Speedee Oil Change Systems

Filed order denying petition for rehearing.

B151285      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Alvaro P.

The judgment is affirmed.

Armstrong, J.

We concur:   Turner, P.J.  
                     Mosk, J.

DIVISION FIVE (Continued)

B149856      John Christenson et al                      (Not for Publication)  
                         v.  
                         Ameriquest Mortgage Co.

The summary judgment is affirmed. The attorney fee award is reversed.  
Each party is to bear its own costs on appeal.

Armstrong, J.

We concur:   Turner, P.J.  
                         Grignon, J.

B148756      People    (Not for Publication)  
                         v.  
                         Claude Holmes

Upon issuance of the remittitur, the superior court clerk is directed to issue an amended abstract of judgment which correctly reflects all of the following: presentence credits of 530 days which includes 176 days of conduct credits; both fines in the sum of \$200 each imposed pursuant to Penal Code sections 1202.4, subdivision (b) and 1202.45; penalty assessments pursuant to Penal Code section 1464 and Government Code section 76000, subdivision (a) on the Health and Safety Code section 11372.5, subdivision (a) laboratory fee in the sums of \$50 and \$35, respectively; penalty assessments pursuant to Penal Code section 1464 and Government Code section 76000, subdivision (a) on the Health and Safety Code section 11372.7, subdivision (a) drug program fee in the sums of \$100 and \$70, respectively. The judgment is affirmed in all other respects as modified by our September 20, 2001, unpublished opinion.

Turner, P.J.

We concur:   Grignon, J.  
                         Mosk, J.

DIVISION SIX

B124130      Testan      (Not for Publication)  
v.  
Carlsen Motor Cars, Inc.

We affirm the summary judgments granted to all defendants. We reverse the post-judgment order denying attorneys fees to Rusnak, PCNA and PAG. We remand the matter to the trial court with directions to award reasonable attorneys fees to Rusnak, PCNA and PAG. Testan shall bear costs on appeal.

Perren, J.

We concur: Gilbert, P.J.  
Yegan, J.

B148923 People v. Gleeson (Not for Publication)

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The judgment (order revoking probation) is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.  
Perren, J.

B146316 Alcatel Internetworking, Inc. (Not for Publication)  
v.  
Wallner

The judgment is affirmed. Costs and attorney fees on appeal are awarded to Wallner. (*Harbour Landing-Dolfann, Ltd. v. Anderson* (1996) 48 Cal.App.4th 260.)

Perren, J.

We concur:    Gilbert, P.J.  
                         Coffee, J.

DIVISION SEVEN

B151563      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Margarita M.  
In re Jessica S., et al.

The judgment is affirmed.

Perluss, J.

We concur:    Lillie, P.J.  
                     Woods, J.

B150866      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Robert S.  
In re Angela S.

The judgment is affirmed.

Perluss, J.

We concur:    Lillie, P.J.  
                     Woods, J.

B154070      In re Mikie S., a minor      (Not for Publication)  
Jose S.  
v.  
Superior Court, Los Angeles County  
(D.C.F.S., Los Angeles County, r.p.i.)

Because substantial evidence supports the juvenile court's order setting a hearing under section 366.26, the petition is denied on the merits.

Woods, J.

We concur:    Johnson, Acting P.J.  
                     Perluss, J.

DIVISION SEVEN (Continued)

B148745 People (Not for Publication)  
v.  
Spears

The order under review (order revoking probation) is affirmed.

Woods, J.

We concur: Lillie, P.J.  
Perluss, J.

B148565      Citizens for Fair Treatment      (Not for Publication)  
v.  
Time Warner Entertainment

The trial court's order denying the motion to strike the respondent's complaint under Code of Civil Procedure section 425.16 is reversed and this matter is remanded to the trial court. On remand the trial court is hereby directed (1) to vacate the order denying the motion to strike; (2) to enter a new and different order granting the motion to strike the complaint; and (3) to enter judgment for appellants. Appellants are entitled to costs on appeal.

Woods, J.

We concur:   Johnson, Acting P.J.  
                      Boland, J. (Assigned)

DIVISION SEVEN (Continued)

[illegible]

The judgment is vacated. The matter is remanded to the trial court for further proceedings consistent with the views expressed in this opinion. Specifically, on remand the trial court is directed to give respondent an opportunity, should respondent so choose, to withdraw his guilty plea and to enter a new and different plea.

Woods, J.

We concur: Johnson, Acting P.J.  
Perluss, J.